

TCEQ DOCKET NO. 2015-1444-WR

APPLICATION OF THE	§	BEFORE THE
LOWER COLORADO RIVER AUTHORITY	§	
TO AMEND ITS	§	TEXAS COMMISSION ON
WATER MANAGEMENT PLAN,	§	
PERMIT NO. 5838A	§	ENVIRONMENTAL QUALITY

**CENTRAL TEXAS WATER COALITION’S REPLY TO THE
RESPONSES TO HEARING REQUESTS**

The Central Texas Water Coalition, Inc. (CTWC) files this reply to the responses to hearing requests filed by the Lower Colorado River Authority (LCRA), the Executive Director (ED), and the Office of Public Interest Counsel (OPIC).

1. The CTWC is prepared to withdraw its hearing request if:

- The Commission adopts an Order approving the Water Management Plan (WMP) in substantially the same format as recommended by the Executive Director in the ED’s Response to Comments and Redlined Order, as filed with the Chief Clerk on October 1, 2015;
- There are no further changes to the Order that are objectionable to the CTWC;
- All other hearing requestors have withdrawn or indicated their willingness to withdraw at the same time as the CTWC; and
- No additional protests or issues are raised in a manner that would require the CTWC to participate in any process related to this Application in order to protect its position.

Many of the stakeholders who have not withdrawn their hearing requests have spent recent months in good faith negotiations with the LCRA and the ED in an effort to resolve their concerns expeditiously, without the need for a contested case hearing and the attendant delay in

completion of this long application process. As a result of this work, the CTWC is satisfied with the ED's draft Order as filed on October 1. Barring unforeseen, last-minute complications raised by other hearing requestors, the CTWC anticipates withdrawing its hearing request at the appropriate juncture, under the conditions described above.

Acknowledging the logistical difficulties of simultaneous hearing request withdrawals by all remaining hearing requestors, if the CTWC withdraws its hearing request under the belief that all of the above conditions have been met, and then another party declines to withdraw its request and the matter is referred to the State Office of Administrative Hearings (SOAH), the CTWC reserves its right to re-urge its party status before the Administrative Law Judge.

2. The CTWC supports the LCRA's request for an expedited hearing process, should the Commission grant any hearing requests.

Under the current (2010) LCRA WMP, decisions regarding the amount of water available for interruptible supplies are made using a January 1 reference date. Therefore, as CTWC has previously noted, it is critically important that the new WMP be in place before January 1, 2016. To that end, CTWC representatives will attend the November 4 Commission Agenda meeting and will be prepared to respond to questions from the Commissioners, if asked to do so, and to participate in any other activities or discussions at that time to facilitate the efficient final disposition of the Application.

If the application is referred to SOAH, the CTWC fully supports the LCRA's request for an expedited hearing process. If, at any point, the Administrative Law Judge determines that no valid hearing requests remain, the WMP should be remanded directly to the ED for timely approval as an uncontested matter, in accordance with TCEQ rules at 30 Tex. Admin. Code Section 80.101.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, the foregoing "Central Texas Water Coalition's Reply to the Responses to Hearing Requests" was electronically filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list by e-mail.

/s/ Cynthia C. Smiley
Cynthia C. Smiley

**TCEQ DOCKET NO. 2015-1444-WR
APPLICATION NO. 5838A
MAILING LIST**

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